

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ERIC M. ROBINSON,

Petitioner,

vs.

STATE OF NEBRASKA,  
LANCASTER COUNTY JAIL, and  
BRAD JOHNSON,

Respondents.

**4:18CV3154**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Petitioner Eric M. Robinson's ("Petitioner" or "Robinson") Motion for Leave to Proceed in Forma Pauperis ([filing no. 2](#)), Motion to Amend Subject Matter from 4:13CV3130, 8:17CV204, 8:18CV73, and 8:18CV111 to Habeas Petition ([filing no. 3](#)), and Motion to Amend Exhibits 6–26 to Habeas Petition ([filing no. 6](#)).

Robinson filed a Petition for Writ of Habeas Corpus ([filing no. 1](#)) on November 5, 2018, and seeks to proceed in forma pauperis ([filing no. 2](#)). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 filing fee. 28 U.S.C. § 1914(a). However, after considering Robinson's financial status as shown in the records of this court (*see* inmate trust account statement at [filing no. 8](#)), leave to proceed in forma pauperis will be granted and Robinson is relieved from paying the filing fee. *See* 28 U.S.C. § 1915(a)(1).

Along with his petition, Robinson has filed two motions to amend, which essentially ask the court to consider additional materials along with his habeas petition. First, Robinson asks the court to "amend the subject matter from the petitions in the federal court of Nebraska, Case Numbers 4:13CV3130, 8:17CV204, 8:18CV73, and 8:18CV111 to the 28 USCS 2241 petition[']s exhibits

. . . in support of Part III of this Petitioner’s § 2241 as requested on pg. 28 of his § 2241 [petition].” ([Filing No. 3](#); *see also* [Filing No. 1 at CM/ECF p. 28](#).) Liberally construed, Robinson is asking the court to take judicial notice of the records in the cases he has previously filed in this court. Upon consideration, the court will take judicial notice of the records in the other cases filed by Robinson and consider them for purposes of the court’s initial review of Robinson’s habeas petition to the extent such records are relevant to his habeas claims.

Next, Robinson asks the court to “amend Exhibits 6–26, in support of the factual content” of his § 2241 habeas petition. ([Filing No. 6 at CM/ECF p. 1](#).) Exhibits 6–26 to which Robinson refers were docketed separately as a supplement to the petition. ([Filing No. 7](#).) The court will grant Robinson’s motion and consider Exhibits 6–26 as supplemental to his habeas petition. *See* NECivR [15.1](#).

The court notes that Robinson has a history of repeatedly filing supplemental materials in his cases. (*See, e.g.*, 8:18CV73; 8:18CV111.) Such repeated filing of voluminous supplementary materials can frustrate the court’s ability to effectively manage and progress a case. Accordingly, the court orders Robinson *not to file any other supplemental materials without leave of the court* until such time as the court has had an opportunity to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases.<sup>1</sup>

IT IS THEREFORE ORDERED that:

1. Petitioner’s Motion for Leave to Proceed in Forma Pauperis ([filing no. 2](#)) is granted.
2. Petitioner’s Motion to Amend Subject Matter from 4:13CV3130, 8:17CV204, 8:18CV73, and 8:18CV111 to Habeas Petition ([filing no. 3](#)) and

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<sup>1</sup> Rule 1(b) of the *Rules Governing Section 2254 Cases in the United States District Courts* allows the court to apply Rule 4 of those rules to a [section 2241](#) action.

Motion to Amend Exhibits 6–26 to Habeas Petition ([filing no. 6](#)) are granted to the extent consistent with this Memorandum and Order.

3. The next step in this case is for the court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The court will conduct this review in its normal course of business. Petitioner is ordered not to file any additional supplemental materials without leave of court until such time as the court has had an opportunity to conduct its initial review.

Dated this 19th day of November, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge